

REFERENCE TITLE: **polling places; electioneering prohibited**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1203

Introduced by
Senators Harper: Huppenthal

AN ACT

AMENDING SECTION 16-411, ARIZONA REVISED STATUTES; RELATING TO CONDUCT OF ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 16-411, Arizona Revised Statutes, is amended to
3 read:

16-411. Designation of election precincts and polling places: electioneering

6 A. The board of supervisors of each county ~~shall~~, on or before
7 December 1 of each year preceding the year of a general election, by an
8 order, **SHALL** establish a convenient number of election precincts in the
9 county and define the boundaries ~~thereof~~ OF THE PRECINCTS. Such election
10 precinct boundaries shall be so established as included within election
11 districts prescribed by law for elected officers of the state and its
12 political subdivisions including community college district precincts, except
13 those elected officers provided for in titles 30 and 48.

14 B. Not less than twenty days before a general or primary election, and
15 at least ten days before a special election, the board shall designate one
16 polling place within each precinct where the election shall be held. Upon a
17 specific finding of the board, included in the order or resolution
18 designating polling places pursuant to this subsection, that no suitable
19 polling place is available within a precinct, a polling place for such
20 precinct may be designated within an adjacent precinct. Adjacent precincts
21 may be combined if boundaries so established are included in election
22 districts prescribed by law for state elected officials and political
23 subdivisions including community college districts but not including elected
24 officials prescribed by titles 30 and 48. The officer in charge of elections
25 may also split a precinct for administrative purposes. Any such polling
26 places shall be listed in separate sections of the order or resolution.

27 C. If the board fails to designate the place for holding the election,
28 or if it cannot be held at or about the place designated, the justice of the
29 peace in the precinct ~~shall~~, two days before the election, by an order,
30 copies of which ~~he~~ THE JUSTICE OF THE PEACE shall immediately post in three
31 public places in the precinct, SHALL designate the place within the precinct
32 for holding the election. If there is no justice of the peace in the
33 precinct, or if the justice of the peace fails to do so, the election board
34 of the precinct shall designate and give notice of the place within the
35 precinct of holding the election. For any election in which there are no
36 candidates for elected office appearing on the ballot, the board may
37 consolidate polling places and precinct boards and may consolidate the
38 tabulation of results for that election if all of the following apply:

39 1. All affected voters are notified by mail of the change at least
40 thirty-three days before the election.

41 2. Notice of the change in polling places includes notice of the new
42 voting location, notice of the hours for voting on election day and notice of
43 the telephone number to call for voter assistance.

44 3. All affected voters receive information on early voting that
45 includes the application used to request an early voting ballot.

1 D. The board is not required to designate a polling place for special
2 district mail ballot elections held pursuant to article 8.1 of this chapter,
3 but the board may designate one or more sites for voters to deposit marked
4 ballots until 7:00 p.m. on the day of the election.

5 E. Except as provided in subsection F, a public school shall provide
6 sufficient space for use as a polling place for any city, county or state
7 election when requested by the officer in charge of elections.

8 F. The principal of the school may deny a request to provide space for
9 use as a polling place for any city, county or state election if, within two
10 weeks after a request has been made, he provides a written statement
11 indicating a reason the election cannot be held in the school, including any
12 of the following:

- 13 1. Space is not available at the school.
14 2. The safety or welfare of the children would be jeopardized.

15 G. The board shall make available to the public as a public record a
16 list of the polling places for all precincts in which the election is to be
17 held including identification of polling place changes that were submitted to
18 the United States department of justice for approval.

19 H. ~~Except in the case of an emergency, any facility that is used as a
20 polling place on election day shall allow electioneering and other political
21 activity outside of the seventy-five foot limit prescribed by section 16-515
22 in public areas and parking lots used by voters.~~

23 Sec. 2. Emergency

24 This act is an emergency measure that is necessary to preserve the
25 public peace, health or safety and is operative immediately as provided by
26 law.